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Attorneys for Defendants
T.S. EXPRESS, INC. and
DAVID THROND

UNITED STATES DISTRICT COURT

DISTRICT OF, NEVADA

HOLLY ROBERTS, an individual,
Plaintiffs,

v.

DAVID THROND, an individual; T.S.
EXPRESS, INC., a foreign corporation; DOES I-
X; and ROES CORPORATIONS I-X, inclusive,
Defendants.

CASE NO.: 2:18-cv-00519-GMN-GWF

**STIPULATION TO AMEND
SCHEDULING ORDER**

(SECOND REQUEST)

Plaintiff Holly Roberts (herein after Plaintiff) and Defendants David ThronD and T.S. Express, Inc. (hereinafter Defendants) by and through their respective counsel, hereby jointly request that the Court continue the scheduling order's discovery deadlines ninety-days to allow the parties additional time to work towards settlement in this matter. There is currently pending before this court a motion to consolidate this action with a related action that is pending in United States District Court, District of Nevada entitled *Ruben Robledo-Olvera, et. al. v. ThronD, et.al.*, case no. 2:18-cv-01032-GMN-NJK (ECF 18). The parties in both cases have agreed to mediate their claims in an attempt to resolve these matters without incurring additional costs. The mediation is currently scheduled for February 21, 2019.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Case History and Current Scheduling Order

This is a personal injury action arising from a multi vehicle accident. Plaintiff's Complaint was filed on February 9, 2018, in the Eighth Judicial District Court Clark County Nevada under case no.: A-18-769270-C. Defendants' filed their Notice of Removal on March 26, 2018. Defendants' Answer was filed on March 27, 2018 (ECF 7). The Stipulated Discovery Plan and Scheduling Order was filed on May 9, 2018 (ECF 14). Since that time the parties have exchanged written discovery and defendants have ordered plaintiff's medical records.

An Amended Stipulated Discovery Plan and Scheduling Order was filed on August 29, 2018. (ECF 20). Since that time the parties have exchanged additional discovery and Defendants have provided their initial expert disclosure. Due to the upcoming mediation date the parties wish to extend the deadlines without incurring additional costs regarding experts.

On February 23, 2018, another case involving the same defendants was filed in Eighth Judicial District Court Clark County Nevada under case no.: A-18- 770110-C, *Ruben Robledo-Olvera, et.al. v. Thron, et.al.* On June 18, 2018, defendants removed the *Robledo* matter to federal court. On July 13, 2018, Defendants' filed their Motion to Consolidate the two cases (ECF 9). The Court's ruling is still pending regarding the consolidation of the two cases.

The amended scheduling order for the *Roberts* matter was entered on August 29, 2018, (ECF 20). The current scheduling order deadlines are as follows:

DATE	EVENT
12/24/18	Deadline to amend pleadings/add parties
12/24/18	Initial expert disclosure deadline
12/24/18	Interim Status Report due
01/24/19	Rebuttal expert disclosure deadline
02/07/19	Discovery deadline
03/07/19	Dispositive motion deadline
04/07/19	Joint Pretrial Order due

The parties would like to participate in mediation with the *Robledo* matter and are requesting this ninety-day continuance to complete discovery in this matter so the parties can participate in a global mediation. The parties would like additional time to explore the possibility of settlement prior to incurring substantial costs on experts. A global mediation has been scheduled for February 21, 2019.

II. REQUEST TO AMEND THE SCHEDULING ORDER

Plaintiff and Defendants request that all of the current discovery deadlines in the amended scheduling order be continued by ninety-days to allow the parties additional time to work towards a global settlement with the *Robledo* matter. The requested continuance will change all of the current discovery dates. The second amended scheduling order is attached hereto as Exhibit "A" and includes the following dates.

DATE	AMENDED SCHEDULING ORDER DEADLINES
Closed	Deadline to amend pleadings/add parties
03/25/19	Initial expert disclosure deadline
03/25/19	Interim Status Report due
04/24/19	Rebuttal expert disclosure deadline
05/08/19	Discovery deadline
06/05/19	Dispositive motion deadline
07/08/19	Joint Pretrial Order due

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1 The parties are requesting this brief continuance so that they may enter into settlement
2 negotiations and attend a global mediation that is scheduled for February 21, 2019 for both the
3 *Roberts & Robledo* matters.

4 DATED: this 21 day of December, 2018.

DATED: this 21 day of December, 2018.

5 GALLOWAY & JENSEN

BROWN, BONN & FRIEDMAN, LLP

6 /s/ Graham Galloway, Esq.

Graham Galloway, Esq. (Bar #221)

7 GALLOWAY & JENSEN

222 California Avenue

8 Reno, NV 89509

9 Attorneys for Plaintiff

10 HOLLY ROBERTS

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11 Las Vegas, NV 89148

Attorneys for Defendants

T.S. EXPRESS, INC.; and

12 DAVID THROND

CERTIFICATE OF SERVICE

I certify that I am an employee of BROWN, BONN & FRIEDMAN, LLP, and that on December 21, 2018, I caused a true and correct copy of the foregoing document described as:

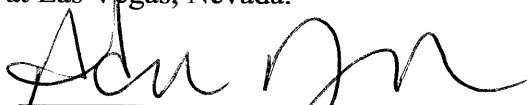
STIPULATION TO AMEND SCHEDULING ORDER (SECOND REQUEST)

to be served on all parties as follows:

ATTORNEY	PARTY
Graham Galloway, Esq. GALLOWAY & JENSEN 222 California Avenue Reno, NV 89509	775-333-7555 775-323-4993 Fax Attorneys for PLAINTIFF HOLLY ROBERTS

- ☒ **VIA CM/ECF ELECTRONIC FILING NOTIFICATION** where specified on the service list maintained in the above referenced matter.
- ☐ **VIA U.S. MAIL** by placing a true copy thereof contained on a CD-ROM enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on the attached service list in the United States mail at Las Vegas, Nevada.
- ☐ **VIA FACSIMILE:** by causing a true copy thereof to be telecopied to the number indicated on the attached service list.
- ☐ **VIA PERSONAL DELIVERY:** by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the attached service list.

Executed on December 21, 2018, at Las Vegas, Nevada.



Adam Noyce
Employee of BROWN, BONN & FRIEDMAN, LLP

EXHIBIT A

EXHIBIT A

Kevin A. Brown, Esq. (Bar #7621)
Jill P. Northway, Esq. (Bar #9470)
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UNITED STATES DISTRICT COURT

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DAVID THROND, an individual; T.S.
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CASE NO.: 2:18-cv-00519-GMN-GWF

**SECOND AMENDED STIPULATED
DISCOVERY PLAN AND SCHEDULING
ORDER**

The above-named parties, by and through their respective counsel of record, hereby submit their Second Amended Stipulated Discovery Plan and Scheduling Order pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 for the Court's approval.

1. Meeting.

Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1, a telephonic meeting was held on May 3, 2018, and was attended by: Jill P. Northway, Esq., counsel for the Defendants and Graham A. Galloway, Esq. counsel for Plaintiff.

2. Initial Disclosures.

The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by **May 17, 2018**, which is 14-days after the Rule 26(f) conference.

1 **3. Discovery Plan.**

2 The parties jointly propose to the Court the following discovery plan:

3 **Subject of Discovery.** Discovery will be needed on all issues raised in Plaintiff's
4 Complaint. Further, discovery will be needed on all of Defendants' affirmative defenses.

5 **Should discovery be phased, limited or focused:** Not at this time, but each party
6 reserves the right to file a motion with the Court on this issue at any time.

7 **Disclosure of electronically-stored information ("ESI"):** All disclosures and/or
8 production of documents will be served by the parties electronically and in .pdf format.

9 **4. Discovery Cut-Off Date:**

10 As required by LR26-1(b)(1) Defendants filed their Answer to Plaintiff's Complaint on
11 March 27, 2018. Defendants' filed their Petition for Removal on March 21, 2018. (ECF No. 1)
12 Pursuant to this Court's Order the Discovery Plan/Scheduling Order is due on or before May 11,
13 2018. (ECF No. 7) The number of days required for discovery is 180 days. Accordingly,
14 Discovery is proposed to close on **May 8, 2019**.

15
16 **5. Amending the Pleadings and Adding Parties.**

17 The parties shall have until **November 9, 2018**, to amend the pleadings or add additional
18 parties. This is ninety (90) days prior to the close of discovery.

19 **6. Fed. R. Civ. P. 26(b)(3) Disclosure (Experts).**

20 Disclosures identifying experts shall be made by **March 25, 2019**. This is sixty-days
21 prior to the discovery cut off. Disclosures identifying rebuttal experts shall be made by **April 24,**
22 **2019**. This is thirty-days after the initial disclosure of experts.

23 **7. Dispositive Motions.**

24 The parties shall have up until **June 5, 2019**, to file dispositive motions. This is thirty-
25 days after the close of discovery.

26 **8. Pretrial Order.**

27 The Joint Pretrial Order shall be filed no later than **July 8, 2019**. This is thirty-days after
28 the date set for filing of dispositive motions. In the event that dispositive motion are filed, the

1 date for filing the Joint Pretrial Order shall be suspended until thirty-days after decision on the
2 dispositive motion or by further order of the Court.

3 **9. Stipulations Regarding Limitations or Conditions or Additional Discovery.**

4 The parties will proceed to engage in and supplement all discovery as permitted under the
5 Federal Rules of Civil Procedure and Local Court Rules of the District of Nevada, including, but
6 not limited to depositions, written discovery and expert disclosures.

7 **10. Interim Status Report.**

8 On or before **March 25, 2019**, the parties shall file an Interim Status Report, as required
9 by LR-26-3, stating the time estimated for trial, three alternative available dates for trial and
10 whether or not trial will be proceeding or affected by substantive motions.

11 **11. Later Appearing Parties.**

12 A copy of this discovery plan and scheduling order shall be served on any person after it
13 is entered, or, if additional Defendants shall appear, within five (5) days of their first appearance.
14 The discovery plan and scheduling order shall apply to such later-appearing parties, unless the
15 Court, on motion and for good cause shown, orders otherwise.

16 **12. Extension or Modification of the Discovery Plan and Scheduling Order.**

17 Applications to extend any date set by the discovery plan/scheduling order shall be
18 received by the Court twenty-days (20) before the date fixed for completion of discovery, or
19 within twenty-days (20) days before the expiration of any extension thereof that may have been
20 approved by the Court.

21 **13. Alternative Dispute Resolution/Mediation.**

22 The parties hereby reserve the right use alternative dispute resolution (ADR) processes
23 and will advise the Court accordingly if the matter resolves via ADR.

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